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 Attorney for Defendants

UNITED STATES DISTRICT COURT
 DISTRICT OF OREGON
 PORTLAND DIVISION

LARRY DEAN CROW,

Plaintiff,

vs.

BROOKS MOTOR COMPANY, INC. an
 Oregon Corporation, and GARY BROOKS,
 individually,

Defendants.

Case No. 3:13-cv-00757-ST

ANSWER

(JURY TRIAL DEMANDED)

Defendants request a jury trial in this matter.

Defendants answer plaintiff's Complaint as follows:

1.

Deny that plaintiff worked for Brooks Motor Company, Inc. As an employee and deny that plaintiff ever worked for Gary Brooks individually, and affirmatively allege that plaintiff was an independent contractor and not an employee.

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12.

Deny paragraph 2 for the reason that plaintiff was not an employee of defendant Brooks Motor Company, Inc. and was never employed by defendant Gary Brooks.

Deny paragraph 3 for the reason that plaintiff was not an employee of defendant Brooks Motor Company, Inc. and was never employed by defendant Gary Brooks.

Admit paragraph 4.

Admit paragraph 5.

Admit paragraph 6.

Admit paragraph 7.

Deny paragraph 8.

Deny paragraph 9.

Deny paragraph 10.

Deny paragraph 11.

Deny paragraph 12.

1		13.
2	Deny paragraph 13.	
3		14.
4	Deny paragraph 14.	
5		15.
6	Deny paragraph 15.	
7		16.
8	Deny paragraph 16.	
9		17.
10	Deny paragraph 17.	
11		18.
12	Deny paragraph 18.	
13		19.
14	Deny paragraph 19.	
15		20.
16	Deny paragraph 20.	
17		21.
18	Deny paragraph 21.	
19		22.
20	Deny paragraph 22.	
21		23.
22	Admit that much of paragraph 23 which alleges that plaintiff's counsel sent a written	
23	demand for payment of wages, but deny that there are any wages due plaintiff.	
24	////	

1		24.
2	Deny paragraph 24.	
3		25.
4	Deny paragraph 25.	
5		26.
6	Deny paragraph 26.	
7		27.
8	Deny paragraph 27.	
9		28.
10	Deny paragraph 28.	
11		29.
12	Deny paragraph 29.	
13		30.
14	Deny paragraph 30.	
15		31.
16	Deny paragraph 31.	
17		32.
18	Deny paragraph 32.	
19		33.
20	Deny paragraph 33.	
21		34.
22	Deny paragraph 34.	
23		35.
24	Deny paragraph 35.	

1 36.

2 Deny paragraph 36.

3 FOR A FIRST AFFIRMATIVE DEFENSE on behalf of defendant Gary Brooks, defendant
4 Gary Brooks alleges:

5 37.

6 Admits and denies those matters admitted and denied above and realleges any matters
7 affirmatively alleged above.

8 38.

9 Plaintiff's complaint fails to allege ultimate facts sufficient to state a claim for relief against
10 defendant Gary Brooks individually. Defendant Gary Brooks at all times acted in his capacity as
11 an officer of Brooks Motor Company, Inc. and never acted in any individual capacity.

12 FOR A FIRST COUNTERCLAIM on behalf of defendants for attorney fees against plaintiff,
13 defendants allege:

14 39.

15 Admit and deny those matters admitted and denied above and reallege any matters
16 affirmatively alleged above.

17 40.

18 Both defendants are entitled to recover their reasonable attorney fees incurred in defending
19 this matter because this matter has been brought in bad faith and without any factual or legal basis.

20 WHEREFORE, defendants pray for the following relief:

- 21 1. That plaintiff's complaint be dismissed in its entirety and that he take nothing
22 thereby.
- 23 2. For defendants' reasonable attorney fees incurred herein.
- 24 3. For defendants' costs and disbursements incurred herein.

4. For such other and further relief as this court deems just and equitable.

DATED this 11th day of July, 2013.

/s/ William D. Brandt
 William D. Brandt, OSB #72036
 Attorney for Defendants

CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing document on:

D. Michael Dale Attorney for Plaintiff
Attorney at Law
PO Box 1032
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Erin Pettigrew Attorney for Plaintiff
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Banafsheh Violet Nazari Attorney for Plaintiff
Attorney at Law
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by the following indicated method or methods:

- ☐ by mailing a full, true, and correct copy thereof in a sealed, first-class postage-prepaid envelope, addressed to the attorney(s) and/or parties as shown above, the last-known office address of the attorney, and deposited with the United States Postal Service at Salem, Oregon, on the date set forth below.
- ☐ by e-mailing a full, true, and correct copy thereof to the attorney(s) and/or parties as shown above, at the last known e-mail address of the person.
- ☐ by faxing a full, true, and correct copy thereof to the attorney(s) and/or parties as shown above, at the fax number(s) shown above, which is the last known fax number for the attorneys' office, on the date set forth below. The receiving fax machine was operating at the time of service and the transmission was properly completed. The confirmation report is available for inspection upon request.
- ☒ by serving by electronic means through the court's CM/EFC system.

DATED this 11th of July, 2013.

/s/ William D. Brandt
William D. Brandt, OSB #72036
Attorney for Defendants